

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ERIC DOUGLAS CROSBY,

Plaintiff,

vs.

No. CV 21-00899 RB/KRS

SAN JUAN COUNTY ADULT DETENTION CENTER,  
et al.,

Defendants.

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court *sua sponte*. Plaintiff Eric Douglas Crosby is an incarcerated prisoner. He filed a complaint on September 13, 2021. (Doc. 1). Plaintiff Crosby also submitted an application to proceed under § 1915 on September 13, 2021. (Doc. 2). The Court granted the application to proceed *in forma pauperis* on January 28, 2022. (Doc. 7). The Court also required Plaintiff Crosby to make an initial partial payment of \$28.33 or show cause why he should not be required to make the payment within 30 days of entry of the Order. (Doc. 7 at 1). Plaintiff Crosby did not make the initial partial payment and did not respond to the Court's January 28, 2022, Order.

More than 30 days has elapsed since entry of the January 28, 2022, Order and Plaintiff Crosby has not paid the \$28.33 initial partial payment or shown cause why he should be relieved of the obligation to pay. When a prisoner is granted leave to proceed *in forma pauperis*, § 1915 provides:

“The court ***shall*** assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of (A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month

period immediately preceding the filing of the complaint or notice of appeal.”

28 U.S.C. § 1915(b)(1) (emphasis added). Plaintiff Crosby was ordered to make the required partial payment under § 1915(b)(1) or show cause why the payment should be excused but has failed to comply with the Court’s Order.

The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n.3 (10<sup>th</sup> Cir. 2003). The Court will require Plaintiff Crosby to show cause, within 30 days of entry of this Order, why this action should not be dismissed for non-compliance with the Court’s January 28, 2022, Order. Failure to show cause or otherwise respond to this Order may result in dismissal of this case without further notice.

IT IS ORDERED that Plaintiff Eric Douglas Crosby show cause, within 30 days of entry of this Order, why this case should not be dismissed for failure to comply with the Court’s January 28, 2022, Order.



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UNITED STATES MAGISTRATE JUDGE